

The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
Division of Health Professions Licensure
239 Causeway Street, Suite 500, 5th Floor, Boston, MA 02114

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INTERIM COMMISSIONER

MASSACHUSETTS BOARD OF REGISTRATION IN DENTISTRY

239 Causeway Street, Boston, MA 02114

Room 417

February 6, 2013

AGENDA

8:30 a.m.

Call to Order

A. Adjudicatory Session (closed to the public)

B. Executive Session (closed to the public)

M.G.L.c.112, §65C Session (closed to the public)

9:45 a.m.

C. Complaint Resolution—Pending Board Cases—Eileen Mulligan

- In the Matter of DEN-2011-0052: Dr. David Ahearn
- In the Matter of DEN-2011-0053: Dr. Rachel Neal
- In the Matter of DEN-2011-0054: Dr. Jennifer Kuchar
- In the Matter of DEN-2011-0038: Dr. Albert Sandler
- In the Matter of DEN-2011-0161: Dr. Kenny Lam
- In the Matter of DEN-2011-0075: Dr. Suzanne Noel
- In the Matter of SA-INV-2173: Vladimir Tselevich
- In the Matter of SA-INV-2783: Dr. Zhiqiang Huang
- In the Matter of SA-INV-2820: Dr. Baback Emani

D. Complaint Resolution—Pending Board Cases—Kathleen O'Connell

- In the Matter of DEN-2011-0086: Dr. Yuci Ma
- In the Matter of DEN-2011-0112: Dr. Wahid Mistikawi
- In the Matter of DEN-2011-0140: Dr. Ray Hanna
- In the Matter of DEN-2011-0164: Dr. Jamil Abassy
- In the Matter of SA-INV-2686: Health Drive Dental Group

E. Compliant Resolution—Pending Board Cases—Barbara Yates

- In the Matter of DEN-2012-0148: Dr. Bart Blaeser
- In the Matter of DEN-2012-0153: Dr. Daniel Magalnick
- In the Matter of DEN-2012-0154: Dr. James Krauss

Board of Registration in Dentistry
General Session Minutes
February 6, 2013
Adopted by Board March 6, 2013

- In the Matter of DEN-2012-0158: Dr. C. Randy Todd
- In the Matter of DEN-2011-0091: Dr. Alexander Smolyar
- In the Matter of DEN-2011-0193: Dr. Howard Duchon
- In the Matter of DEN-2012-0179: Dr. Sharam Karimi

F. Requests for Reconsideration and Clarification—Board Counsel M. Bird

- In the Matter of DEN-2012-0073: Sandra J. Hersey, RDH
- In the Matter of DEN-2012-0017, Dr. Fadi Metri

G. Investigative Report—Board Counsel M. Bird

- In the Matter of SA-INV-3031: Dr. Joseph Hart

H. Probation Matters—Probation Monitor K. Fishman

- In the Matter of DEN-2011-0134: Dr. Jeffrey Kravitz
- In the Matter of DEN-2010-0006: John Marengo, RDH
- In the Matter of DEN-2012-0057 & DEN-2012-0083: Dr. Karen Robinson

I. Administrative Matters

- Diane Grondin Award
- Follow-Up on Yankee Dental Congress
- Update: Lasers in Dentistry Workgroup
- March and April Meetings

J. Amendment and Approval of Minutes

- October 3, 2012
- December 5, 2012

Adjournment

NEXT MEETING: March 6, 2013

Board of Registration in Dentistry
General Session Minutes
February 6, 2013
Adopted by Board March 6, 2013

MASSACHUSETTS BOARD OF REGISTRATION IN DENTISTRY
239 Causeway Street, Boston, MA 02114
Room 417
February 6, 2013
GENERAL SESSION MINUTES

Board Members Present: Dr. Mina Paul, Chair; Dr. Milton Glicksman, Secretary; Dr. Roderick Lewin; Dr. Stephen DuLong; Dr. John Hsu; Dr. Cynthia Stevens; Ms. Ailish Wilkie, CPHQ (*arrived at 9:08 a.m.*); Ms. Lois Sobel, RDH; Ms. Diane Grondin, CDA Advisor (*arrived at 8:42 a.m.*)

Board Member Absent: Ward Cromer, Ph.D.

Staff Members Present: Dr. Madeleine Biondolillo, Director, Bureau of Health Care Safety and Quality; Joel Kanter, Ph.D., Consultant; Marsha Bird, Board Counsel; Dr. Liliana DiFabio, Supervisor of Investigations; Investigators Kathleen O'Connell, Kathy Perault, Eileen Mulligan, and Barbara Yates; Karen Fishman, Probation Monitor; Nancy Dolberg, Prosecuting Counsel; Rosie Rogers, Administrative Assistant; Erin Belitskus.

Staff Member Absent: Jeffrey Mills, Assistant Executive Director

Motion: **To Commence Meeting at 8:35 a.m.**

Motion Made By: Dr. Stephen DuLong

Second: Ms. Lois Sobel

Vote: Unanimous

Motion: **To re-order Agenda at 8:35 a.m.**

Motion Made By: Dr. Roderick Lewin

Second: Dr. Cynthia Stevens

Vote: Unanimous

Dr. Mina Paul announced the presence of Dr. Madeleine Biondolillo and welcomed her to the Dental Board Meeting.

Motion: **To Enter Adjudicatory Session, at 8:37 a.m.**

Motion Made By: Dr. Roderick Lewin

Board of Registration in Dentistry
General Session Minutes
February 6, 2013
Adopted by Board March 6, 2013

Second: Dr. Cynthia Stevens

Vote: **Aye:** Dr. Stephen DuLong; Dr. Milton Glicksman; Dr. John Hsu;
Dr. Roderick Lewin; Dr. Cynthia Stevens; Ms. Lois Sobel, RDH
Abstain: Dr. Mina Paul

Motion **To Leave Adjudicatory Session at 8:42 a.m.**

Motion Made By Dr. Cynthia Stevens

Second Dr. Stephen DuLong

Vote **Aye:** Dr. Stephen DuLong; Dr. Milton Glicksman; Dr. John Hsu;
Dr. Roderick Lewin; Dr. Cynthia Stevens; Ms. Lois Sobel, RDH
Abstain: Dr. Mina Paul

Motion: **To Enter MGL c. 112, §65C Session, at 8:42 a.m.**

Motion Made By: Dr. Stephen DuLong

Second: Dr. Cynthia Stevens

Vote: **Aye:** Dr. Stephen DuLong; Dr. Milton Glicksman; Dr. John Hsu;
Dr. Roderick Lewin; Dr. Cynthia Stevens; Ms. Lois Sobel, RDH

Ms. Diane Grondin arrived at the Meeting at 8:42 a.m.

Motion: **To Leave MGL c. 112, §65 Session, at 8:51 a.m.**

Motion Made By: Ms. Lois Sobel

Second: Dr. Stephen DuLong

Vote: **Aye:** Dr. Stephen DuLong; Dr. Milton Glicksman; Dr. John Hsu;
Dr. Roderick Lewin; Dr. Cynthia Stevens; Ms. Lois Sobel, RDH.
Abstain: Dr. Mina Paul
Non-Voting Member: Ms. Diane Grondin, CDA Advisor

Motion: **To Enter Executive Session, at 8:51 a.m.**

Motion Made By: Dr. Cynthia Stevens

Second: Ms. Lois Sobel

Vote: **Aye:** Dr. Stephen DuLong; Dr. Milton Glicksman; Dr. John Hsu;
Dr. Roderick Lewin; Dr. Cynthia Stevens; Ms. Lois Sobel, RDH
Abstain: Dr. Mina Paul
Non-Voting Member: Ms. Diane Grondin, CDA Advisor

Ms. Ailish Wilkie arrived to the meeting at 9:08 a.m.

Motion: **To Leave Executive Session, at 9:16 a.m.**

Motion Made By: Ms. Ailish Wilkie

Second: Dr. Cynthia Stevens

Vote: **Aye:** Dr. Stephen DuLong; Dr. Milton Glicksman; Dr. John Hsu;
Dr. Roderick Lewin; Dr. Cynthia Stevens; Ms. Lois Sobel, RDH;
Ms. Ailish Wilkie, CPHQ
Abstain: Dr. Mina Paul
Non-Voting Member: Ms. Diane Grondin, CDA Advisor

Motion: **To Enter General Session at 9:16 a.m.**

Motion Made By: Ms. Lois Sobel

Second: Ms. Ailish Wilkie

Vote: Unanimous

Complaint Resolution—Pending Board Cases

Investigators presented their previous distributed Investigative Reports, together with relevant clarifications and supplemental information as necessary.

--In the Matter of DEN-2011-0052: Dr. David Ahearn

Allegation: Unauthorized prescriptions written by a dental assistant employed by the licensee.

Motion: **To dismiss the matter with an advisory regarding that appropriate controls should be in place to guard against inappropriate prescription writing.**

Motion Made By: Dr. John Hsu

Second: Dr. Ailish Wilkie

Board of Registration in Dentistry
General Session Minutes
February 6, 2013
Adopted by Board March 6, 2013

Vote: Unanimous

Recused: Dr. Milton Glicksman left the meeting at 9:16 a.m.

Dr. Milton Glicksman returned to the meeting at 9:22 a.m. after he recused for the above matter.

--In the Matter of DEN-2011-0053: Dr. Rachel Neal

Allegations: Unauthorized prescriptions written by a coworker accessing the licensee's DEA

Motion: To offer Stayed Probation for six months and to include the requirement to complete Continuing Education Credits for license renewal ending March 31, 2010 and March 31, 2012.

Motion Made By: Dr. Stephen DuLong

Second: Dr. Cynthia Stevens

Vote: Unanimous

Justification:

- Licensee violated M.G. L. c. 112, § 51A and 234 CMR 5.01, by failing to complete continuing education required for license renewal for the 2008-2009 license renewal.
- Licensee violated 234 CMR 5.02 (2) (b) by signing under pains and penalties of perjury that continuing education requirement for license renewal was fulfilled
- Licensee violated M. G. L. c. 112, §51A and 234 CMR 8.02 (1) by failing to complete 40 continuing education credits required for 2010-2012 biennial license renewal.
- Licensee violated 234 CMR 8.02 (7) by signing under pains and penalties of perjury that he/she has completed requisite number of CEUs required for license renewal.
- Licensee violated 234 CMR 8.03 (a) by failing to complete continuing education in infection control in the dental-health care setting prior to renewing her license.
- Licensee violated 234 CMR 8.03 (b) by failing to obtain and/or maintain current certification in BLS, ACLS or PALS, required for license renewal and/or renewal of individual anesthesia permit(s).

--In the Matter of DEN-2011-0054: Dr. Jennifer Kuchar

- Allegation:** Unauthorized prescription writing by a coworker
- Motion:** **To dismiss the matter with an advisory letter regarding that all patients, regardless of whether he/she are an employee of the practice must be treated in the same manner as any patient.**
- Motion Made By:** Ms. Lois Sobel
- Second:** Dr. John Hsu
- Vote:** Unanimous

--In the Matter of DEN-2011-0038: Dr. Albert Sandler

- Allegations:** Infection control violations and failure to obtain necessary permits

Motion: To offer Stayed Probation for one year. No vote taken.

Motion Made By: Dr. Milton Glicksman

Second: Dr. John Hsu

Motion: To amend the first motion and offer Reprimand.

Motion Made By: Ms. Lois Sobel

Second: Ms. Ailish Wilkie

Vote: **Aye:** Dr. Stephen DuLong; Dr. Milton Glicksman; Dr. Roderick Lewin; Dr. Cynthia Stevens; Ms. Lois Sobel, RDH

Abstain: Dr. Mina Paul and Dr. John Hsu

Non-Voting Member: Ms. Diane Grondin, CDA Advisor

Justification:

- Licensee violated 234 CMR 5.05 (1) and 234 CMR 9.05(3) by failing to provide services and maintain the dental office, in compliance with the CDC Guidelines. Said deficiencies include, but are not limited to utilize internal indicators in sterilization pouches and the failure to sterilize straight instruments after each patient use.
- Licensee violated 234 CMR 6.05 by failing to obtain a Facility D-B1 Permit for the administration of moderate sedation.
- Licensee violated 234 CMR 6.12 by failing to obtain an Individual Anesthesia Permit, B-1, for the administration of moderate sedation.
- Licensee violated 234 CMR 6.05 (2) and (3) by failing to have the required equipment and drugs. Said deficiencies include, but are not limited to the failure to have: a latex free tourniquet, 2 ampules of epinephrine, vasopressor and vasodilator, anti-convulsant and corticosteroid.
- Licensee violated 234 CMR 5.02 (3) (b) (7) by failing to register x-ray equipment with the Department of Public Health Radiation Control Program.

--In the Matter of DEN-2011-0161: Dr. Kenny Lam

- Allegations:** General practice standards, infection control violations, business practice issues, unlicensed practice, inappropriate prescribing, patient neglect, inferior treatment, and fraud
- Motion:** **To offer Probation for one year and to include the following Continuing Education Credits:**
Full Day: Risk Management
Half Day: Infection Control
Licensee shall submit quarterly spore tests results for each of his offices. Also license will be subject to unannounced inspections.
- Motion Made By:** Ms. Ailish Wilkie
- Second:** Ms. Lois Sobel
- Vote:** Unanimous
- Justification:**
- Licensee violated 234 CMR 5.05 (1) and 234 CMR 9.05(3) by failing to provide services and maintain the dental office, in compliance with the CDC Guidelines. Said deficiencies include, but are not limited to, **the failure to conduct weekly spore tests in 2010 and 2011** and the failure to sterilize Rinn holders in sterilization pouches.
 - Licensee violated M. G. L. c. 112, §45, by failing to post dentists' and dental hygienists' licenses.

--In the Matter of DEN-2011-0075: Dr. Suzanne Noel

- Allegation:** Unethical conduct
- Motion:** **To dismiss the matter with an advisory letter that all Continuing Education Credits need to be completed in the correct licensing cycle.**
- Motion Made By:** Dr. Milton Glicksman
- Second:** Dr. Cynthia Stevens
- Vote:** Unanimous

--In the Matter of SA-INV-2173: Vladimir Tselevich

To not open as a complaint and refer matter to the Attorney General's Office.

--In the Matter of SA-INV-2783: Dr. Zhiqiang Huang

Allegations: Business practice issues
Motion: To open as a formal complaint.
Motion Made By: Dr. Milton Glicksman
Second: Dr. Cynthia Stevens
Vote: Unanimous

--In the Matter of SA-INV-2820: Dr. Baback Emani

Allegations: Patient abandonment and neglect
Motion: To not open as a formal complaint.
Motion Made By: Ms. Ailish Wilkie
Second: Dr. Stephen DuLong
Vote: Unanimous

The meeting was paused for a brief break at 10:11 a.m. and resumed at 10:17 a.m.

--In the Matter of DEN-2011-0086: Dr. Yuci Ma

Allegation: Inferior treatment
Motion: To dismiss the matter without prejudice.
Motion Made By: Dr. John Hsu
Second: Dr. Stephen DuLong
Vote: Unanimous

--In the Matter of DEN-2011-0112: Dr. Wahid Mistikawi

Allegations: Infection control, regulatory violations

Motion: To offer Probation for one year, and to include the following Continuing Education Credits:
Full Day: Risk Management
Full Day: Infection Control
Also, licensee shall ensure that his entire staff complete a full day course in Infection Control in the Dental setting.

Motion Made By: Dr. Milton Glicksman

Second: Dr. Cynthia Stevens

Vote: Unanimous

Justification:

- Licensee violated 234 CMR 5.05 (1) and 234 CMR 9.05(3) by failing to provide services and maintain the dental office, in compliance with the CDC Guidelines. Said deficiencies include, but are not limited to, the failure to conduct weekly spore tests between February 18, 2011 and on or about July 28, 2011; failure to sterilize slowspeed handpieces after each hygiene use.
- Licensee violated M.G. L. c. 112, § 51A and 234 CMR 5.01, by failing to complete continuing education required for license renewal for the 2008-2009 license renewal cycle.
- Licensee violated 234 CMR 5.02 (2) (b) by signing under pains and penalties of perjury that continuing education requirement for license renewal was fulfilled.
- Licensee violated 234 CMR 5.15 (3) (h) by failing to maintain dental laboratory prescriptions in patient records.
- Licensee violated M. G. L. c. 112, §50, by failing to place patient identifying information in removable prosthesis.

--In the Matter of DEN-2011-0140: Dr. Ray Hanna

Allegations: Inferior treatment and failure to refund the complainant for payment made for the root canal therapy that failed

Motion: To offer Stayed Probation for six months, and to include the following Continuing Education Credits:
Full Day: Risk Management
Full Day: Record Keeping
Full Day: Periodontic Diagnosis and Treatment Planning for the General Practitioner.

Motion Made By: Dr. Milton Glicksman

Second: Ms. Ailish Wilkie

Vote: Unanimous

Justification: • Licensee violated 234 CMR 2.04 (17) (a) by failing to properly perform and/or document the patient record. Said deficiencies include, but are not limited to the failure to perform and/or document: periodontal charting and PSR scores; expose a Full Mouth Radiograph from on or about February 19, 2006 to April 13, 2010; a comprehensive exam during treatment from on or about February 1, 2006 until on or about April 13, 2010; obtain informed consent for the extraction of tooth #16; obtain informed consent for endodontic therapy on teeth #'s 12 and 13 and to document diagnosis for these teeth prior to performing endodontic therapy, and document notifying the patient of the broken rotary file during treatment of tooth #12

--In the Matter of DEN-2011-0164: Dr. Jamil Abassy

Allegation: Patient abuse
Motion: To dismiss the matter without prejudice.
Motion Made By: Dr. John Hsu
Second: Dr. Cynthia Stevens
Vote: Unanimous

--In the Matter of SA-INV-2686: Health Drive Dental Group

Allegations: Health care fraud and over utilization of services
Motion: To refer matter to HealthCare Quality and to open complaints against Dr. Alec Jaret and Dr. Russell Litin.
Motion Made By: Dr. Cynthia Stevens
Second: Ms. Ailish Wilkie
Vote: Unanimous
Recused: Dr. Stephen DuLong left the room at 10:55 a.m.

Dr. Stephen DuLong returned to the meeting at 11:10 a.m. after he recused for the above matter.

Board of Registration in Dentistry
General Session Minutes
February 6, 2013
Adopted by Board March 6, 2013

--In the Matter of DEN-2012-0148: Dr. Bart Blaeser

Allegations: Infection control and regulatory violations

Motion: To offer Probation for year, and to include the following
Continuing Education Credits:

Full Day: Risk Management

Full Day: Infection Control for the Dental Office

Half Day: Medical Emergency in the Dental Office.

All dental staff should complete this course as well.

The agreement should include an acknowledgment statement that the licensee must comply with required renewal continuing education credits for Pain Management and Infection Control. Also, refer matter to the Board of Registration in Medicine, as the licensee holds a Medical License as well.

Motion Made By: Dr. John Hsu

Second: Dr. Cynthia Stevens

Vote: Unanimous

Justification:

- Licensee violated 234 CMR 5.05 (1) and 234 CMR 9.05(3) by failing to provide services and maintain the dental office, in compliance with the CDC Guidelines. Said deficiencies include, but are not limited to the failure to: conduct weekly spore tests in 2010, 2011 and 2012; maintain the sterility of handpieces; provide an instrument central processing area divided into sections for receiving, cleaning and decontamination; preparation and packaging; sterilization and storage; have an Infection Control Plan.
- Licensee violated 234 CMR 6.04 and 6.11 by failing to have the required equipment and medicaments for the administration of general anesthesia . Said deficiencies include, but are not limited to, the failure to have current preloaded Epinephrine syringes; ensure that all surgical assistants maintained current and valid BLS certification; to periodically check and calibrate gas delivery machines; and the failure to maintain a log for monitoring the maintenance of equipment and medicament on a scheduled basis.
- Licensee violated M. G. L. c. 112, §44 and 234 CMR 5.04 (1) by failing to post license and permits for all individuals licensed by the Board.
- Licensee violated 234 CMR 8.03 by failing to complete a continuing education course in infection control during the 2010-2012 license renewal cycle;
- Licensee violated M.G.L. 94C, Section 18(e), by failing to complete the required continuing education in safe and effective pain management.

--In the Matter of DEN-2012-0153: Dr. Daniel Magalnick

Allegations: Infection control and regulatory violations

Motion: To offer Probation for year, and to include the following Continuing Education Credits:

Full Day: Risk Management

Full Day: Infection Control for the Dental Office

Half Day: Medical Emergency in the Dental Office.

All dental staff should complete this course as well.

Motion Made By: Dr. John Hsu

Second: Dr. Cynthia Stevens

Vote: Unanimous

Justification:

- Licensee violated 234 CMR 5.05 (1) and 234 CMR 9.05(3) by failing to provide services and maintain the dental office, in compliance with the CDC Guidelines. Said deficiencies include, but are not limited to the failure to: conduct weekly spore tests in 2010, 2011 and 2012; maintain the sterility of handpieces; provide an instrument central processing area divided into sections for receiving, cleaning and decontamination; preparation and packaging; sterilization and storage; have an Infection Control Plan.
- Licensee violated 234 CMR 6.04 and 6.11 by failing to have the required equipment and medicaments for the administration of general anesthesia. Said deficiencies include, but are not limited to, the failure to have current preloaded Epinephrine syringes; ensure that all surgical assistants maintained current and valid BLS certification; to periodically check and calibrate gas delivery machines; and the failure to maintain a log for monitoring the maintenance of equipment and medicament on a scheduled basis.
- Licensee violated M. G. L. c. 112, §44 and 234 CMR 5.04 (1) by failing to post license and permits for all individuals licensed by the Board.

--In the Matter of DEN-2012-0154: Dr. James Krauss

Allegations:

Infection control and regulatory violations

Motion:

To offer Probation for year, and to include the following Continuing Education Credits:

Full Day: Risk Management

Full Day: Infection Control for the Dental Office

Half Day: Medical Emergency in the Dental Office.

All dental staff should complete this course as well.

Motion Made By:

Dr. John Hsu

Second:

Dr. Cynthia Stevens

Vote:

Unanimous

Justification:

- Licensee violated 234 CMR 5.05 (1) and 234 CMR 9.05(3) by failing to provide services and maintain the dental office, in compliance with the CDC Guidelines. Said deficiencies include, but are not limited to the failure to: conduct weekly spore tests in 2010, 2011 and 2012; maintain the sterility of handpieces; provide an instrument central processing area divided into sections for receiving, cleaning and decontamination; preparation and packaging; sterilization and storage; have an Infection Control Plan.
- Licensee violated 234 CMR 6.04 and 6.11 by failing to have the required equipment and medicaments for the administration of general anesthesia. Said deficiencies include, but are not limited to, the failure to have current preloaded Epinephrine syringes; ensure that all surgical assistants maintained current and valid BLS certification; to periodically check and calibrate gas delivery machines; and the failure to maintain a log for monitoring the maintenance of equipment and medicament on a scheduled basis.
- Licensee violated M. G. L. c. 112, §44 and 234 CMR 5.04 (1) by failing to post license and permits for all individuals licensed by the Board.

--In the Matter of DEN-2012-0158: Dr. C. Randy Todd

Allegations: Infection control and regulatory violations

Motion: To offer Probation for year, and to include the following Continuing Education Credits:
Full Day: Risk Management
Full Day: Infection Control for the Dental Office
Half Day: Medical Emergency in the Dental Office.
All dental staff should complete this course as well.

Motion Made By: Dr. John Hsu

Second: Dr. Cynthia Stevens

Vote: Unanimous

Justification:

- Licensee violated 234 CMR 5.05 (1) and 234 CMR 9.05(3) by failing to provide services and maintain the dental office, in compliance with the CDC Guidelines. Said deficiencies include, but are not limited to the failure to: conduct weekly spore tests in 2010, 2011 and 2012; maintain the sterility of handpieces; provide an instrument central processing area divided into sections for receiving, cleaning and decontamination; preparation and packaging; sterilization and storage; have an Infection Control Plan.
- Licensee violated 234 CMR 6.04 and 6.11 by failing to have the required equipment and medicaments for the administration of general anesthesia. Said deficiencies include, but are not limited to, the failure to have current preloaded Epinephrine syringes; ensure that all surgical assistants maintained current and valid BLS certification; to periodically check and calibrate gas delivery machines; and the failure to maintain a log for monitoring the maintenance of equipment and medicament on a scheduled basis.
- Licensee violated M. G. L. c. 112, §44 and 234 CMR 5.04 (1) by failing to post license and permits for all individuals licensed by the Board.

--In the Matter of DEN-2011-0091: Dr. Alexander Smolyar

This matter was deferred for additional information regarding licensee's practice in maintaining and being informed of spore test results. Attorney Vincent Dunn recorded the discussion of this matter.

--In the Matter of DEN-2011-0193: Dr. Howard Duchon

Allegation: Inferior treatment

Motion: To offer Probation for one year, and to include the following Continuing Education Credits:
Full Day: Risk Management
Full Day: Record Keeping
Full day: Ethics (course may be taken online)

Motion Made By: Dr. Milton Glicksman

Second: Ms. Ailish Wilkie

Vote: Unanimous

Justification:

- Licensee violated 234 CMR 5.15, where he failed to obtain either General Informed Consent or Specific Informed Consent prior to the extraction of tooth #2 and endodontic treatment of tooth #11.
- Licensee violated 234 CMR 9.05(18), falsification of patient record, where licensee submitted two versions of the patient record containing different information.

--In the Matter of DEN-2012-0179: Dr. Sharam Karimi

Motion:

To offer Reprimand and to include the requirement to complete continuing education credits required for license renewal within six months of the effective date of the Consent Agreement; and to complete a CPR/AED or Basic Life Support (BLS) with a hands on component.

Motion Made By:

Dr. Stephen DuLong

Second:

Ms. Ailish Wilkie

Vote:

Unanimous

Justification:

- M.G. L. c. 112, §44 and 234 CMR 4.10 (1) Failure to Renew License to Practice Dentistry
- M. G. L. c. 112, §52 and 234 CMR 4.01 (5) and 9.05 (6) Practice with an Expired Dental License
- Licensee violated M.G. L. c. 112, § 51A and 234 CMR 8.02 (1), by failing to complete continuing education required for license renewal.
- Licensee violated 234 CMR 8.02 (7) by signing under pains and penalties of perjury that continuing education requirement for license renewal was fulfilled.
- Licensee violated 234 CMR 8.03 (a) by failing to complete a continuing education course in infection control;
- Licensee violated 234 CMR 8.03 (b) by failing to have a current certification in CPR/AED or BLS, or ACLS (or PALS) in accordance with requirements for the level of anesthesia permit issued to the licensee.
- Licensee violated M.G.L. 94C § 18(e) by failing to complete a course relating to effective pain management.

--Requests for Reconsideration and Clarification—Board Counsel M. Bird

--In the Matter of DEN-2012-0017, Dr. Fadi Metri

Motion: To grant request for reconsideration and offer the licensee a one year Stayed Probation with courses previously approved:
Full Day: Risk Management
Full Day: Record keeping
Full Day: Ethics-may be taken on line
Complete continuing education required for license renewal for the 2010-2012 renewal cycle, including the mandatory courses in Infection Control in the Dental Health-care Setting and Effective Opioid Prescribing for Chronic Pain.

Motion Made By: Dr. John Hsu

Second: Dr. Cynthia Stevens

Vote: Unanimous

Recused: Dr. Mina Paul left the meeting at 12:17 p.m.

Dr. Mina Paul returned to the meeting at 12:26 p.m. after she recused for the above matter.

--In the Matter of DEN-2012-0073: Sandra J. Hersey, RDH

Motion: To grant request for reconsideration and dismiss matter with an advisory regarding the requirement to disclose discipline in another jurisdiction to the Board.

Motion Made By: Dr. John Hsu

Second: Dr. Cynthia Stevens

Vote: Unanimous

--In the Matter of Dr. George Colt—Letter to the Board Re: Probation Status

Motion: To deny request, Board instructed Board Counsel to send licensee a letter indicating that the issue of his being including as an approved provider by third party payers was beyond the scope of the Board's authority.

Motion Made By: Ms. Ailish Wilkie

Second: Dr. Cynthia Stevens

Board of Registration in Dentistry
General Session Minutes
February 6, 2013
Adopted by Board March 6, 2013

Vote: Unanimous

--Investigative Report—Board Counsel M. Bird

--In the Matter of SA-INV-3031: Dr. Joseph Hart

Motion: To not open as a formal complaint.

Motion Made By: Dr. Cynthia Stevens

Second: Dr. John Hsu

Vote: Unanimous

--Probation Matters—Probation Monitor Karen Fishman

--In the Matter of DEN-2011-0134: Dr. Jeffrey Kravitz

Motion: To grant licensee's request to modify the Consent Agreement and allow him to complete a mini-residency in anesthesia prior to reinstatement of his license to practice dentistry.

Motion Made By: Dr. Cynthia Stevens

Second: Ms. Ailish Wilkie

Vote: Unanimous

--In the Matter of DEN-2010-0006: John Marengo, RDH

Motion: To place Licensee on probation and allow him to complete the following required Continuing Education Credits online:
Two Hours: Risk Management
Full Day: Record Keeping
Both courses must be completed within six months of the new Effective Date.

Motion Made By: Ms. Lois Sobel

Second: Ms. Ailish Wilkie

Vote: Unanimous

--In the Matter of DEN-2012-0057 & DEN-2012-0083: Dr. Karen Robinson

Board of Registration in Dentistry
General Session Minutes
February 6, 2013
Adopted by Board March 6, 2013

The Board provided guidance in regard to the required course in Anesthesia Administration.

Administrative Matters

--Diane Grondin Award

Dr. Mina Paul announced the 2013 Auxiliary Volunteer Award, presented to Diane Grondin, CDA, for her significant volunteer contributions to Yankee Dental Congress on January 5, 2013. Dr. Paul remarked that it is a privilege to have Ms. Grondin as a member of the Board and thanked her for all the valuable contributions she provides.

--Follow-Up on Yankee Dental Congress

Dr. Mina Paul, Chair; Dr. Milton Glicksman, Secretary and Ms. Kathleen Atkinson, Ex-Executive Director represented the Board of Registration in Dentistry at the Yankee Dental Congress on January 5, 2013 convention. The three representatives provided an overview of current regulations, ten most frequent topics that the Board faces, and matters that generally result in discipline against a license. Dr. Paul shared that there is great interest in the community demonstrated about the information presented. Many stakeholders and local societies were represented in the audience. One of the issues raised by the community is the concern about the Dental Assistant Regulations and the requirements for Licensure. Dr. Paul emphasized the importance of informing the community that there is no need for Dental Assistants to be certified by DANB in order to qualify for Licensure in Massachusetts. She encouraged Board Members and Dental staff to dispel the notion and continue to provide the information that there is no examination required in order to be licensed as a dental assistant. If the OJT dental assistant wishes to take radiographs, however, the current regulation at 234 CMR 5.10 still applies.

--Update: Lasers in Dentistry Workgroup

The workgroup meet in the fourth week of January 2013. The proposed Policy for the use of lasers was accepted by the task force. Pending Board review and approval, the policy will be posted on the Board's website.

--March and April Meetings

Dr. Mina Paul will present an Educational Session providing a comparison of regional Board exams for dentists at the March 6, 2013 meeting. Deans of the Massachusetts Dental Schools are planning to attend the Board Meeting on April 3, 2013 to discuss PGY-1 as an alternative pathway to dental licensure.

--Amendment of Minutes

Motion	To amend the October 3, 2012 Meeting Minutes -General Session
Motion Made By	Ms. Ailish Wilkie

Board of Registration in Dentistry
General Session Minutes
February 6, 2013
Adopted by Board March 6, 2013

Second Dr. Stephen DuLong
Vote Unanimous

--Approval of Minutes

Motion To approve Minutes of December 5, 2012 Meeting -General Session

Motion Made By Dr. Roderick Lewin

Second Ms. Lois Sobel

Vote Unanimous

Motion To approve Minutes of December 5, 2012-M.G.L.c. 112, §65C Session

Motion Made By Ms. Ailish Wilkie

Second Ms. Lois Sobel

Vote Unanimous

Motion To approve Minutes of December 5, 2012, Adjudicatory Session

Motion Made By Ms. Ailish Wilkie

Second Dr. John Hsu

Vote Unanimous

Motion To approve Minutes of December 5, 2012, Educational Session

Motion Made By Ms. Ailish Wilkie

Second Ms. Lois Sobel

Vote Unanimous

Motion: To adjourn the meeting at 1:58 p.m.

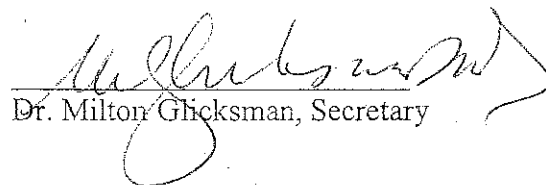
Motion Made By: Dr. John Hsu

Board of Registration in Dentistry
General Session Minutes
February 6, 2013
Adopted by Board March 6, 2013

Second: Ms. Lois Sobel

Vote: Unanimous

Respectfully submitted,


Dr. Milton Glicksman, Secretary

Date: 4/3/13